

## **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

ASD SPECIALITY HEALTHCARE, INC., d/b/a )	CIVIL ACTION NO.: 1:05CV592-T
ONCOLOGY SUPPLY COMPANY )	
2801 Horace Shepard Drive, )	
Dothan, Alabama 36303, )	
)	
Plaintiff, )	
)	
vs. )	
)	
ROBERT G. HICKES, M.D., )	
1301 Trumansburg Road, Suite Q )	
Ithaca, New York 14850, )	
)	
Defendant. )	

ANSWER

COMES now ROBERT G. HICKES, M.D. P.C. (the "Professional Corporation"), and for its answer to the First Amended Complaint says as follows:

- 1-4. The Professional Corporation admits to the averments of paragraphs 1-4.
- 5-6. The Professional Corporation denies the averments of paragraphs 5-6.
7. The Professional Corporation admits to the averments of paragraph 7.
8. The Professional Corporation denies the averments of paragraph 8.
- 9-12. The Professional Corporation admits the averments of paragraphs 9-12.
13. The Professional Corporation denies the averments of paragraph 13.
14. The Professional Corporation incorporates its previous responses.
- 15-18. The Professional Corporation admits the averments of these paragraphs.
19. The Professional Corporation incorporates its previous responses.

- 20-25. The Professional Corporation admits the averments of these paragraphs.
26. The Professional Corporation incorporates its previous responses.
- 27-33. The Professional Corporation admits the averments of these paragraphs.
34. The Professional Corporation incorporates its previous responses.
- 35-37. The Professional Corporation admits the averments of paragraphs 35-37.
38. The Professional Corporation incorporates its previous responses.
- 39-41. The Professional Corporation denies the averments of paragraphs 39-41.
42. The Professional Corporation incorporates its previous responses.
- 43-49. The Professional Corporation denies the averments of paragraphs 43-49.

**FIRST AFFIRMATIVE DEFENSE**

This Court lacks jurisdiction over the Professional Corporation.

**SECOND AFFIRMATIVE DEFENSE**

The plaintiff's claims against the Professional Corporation are barred by estoppel.

**THIRD AFFIRMATIVE DEFENSE**

The plaintiff's claims against the Professional Corporation are barred by waiver.

**FOURTH AFFIRMATIVE DEFENSE**

The plaintiff's claims against the Professional Corporation are barred by Statute of Limitations.

\s\ C. Ellis Brazeal III  
Attorney for the Defendant, Robert G.  
Hickes, M.D.

**OF COUNSEL:**

Walston, Wells, & Birchall LLP  
1819 5<sup>th</sup> Avenue North, Suite 1100  
Birmingham, Alabama 35203  
Telephone: (205) 244-5237  
Telecopier: (205) 244-5437

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Answer has been served electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows:

James J. Robinson  
Heath A. Fite  
BURR & FORMAN LLP  
3100 SouthTrust Tower  
420 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

This the \28<sup>th</sup>\ day of February, 2006.

\s\ C. Ellis Brazeal III  
OF COUNSEL

**Fite, Heath**

---

**From:** efile\_notice@almd.uscourts.gov  
**Sent:** Tuesday, February 28, 2006 3:58 PM  
**To:** almd\_mailout@almd.uscourts.gov  
**Subject:** Activity in Case 1:05-cv-00592-MHT-VPM ASD Specialty Healthcare, Inc. v. Hickes "Answer to Amended Complaint"

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court**

**Alabama Middle District**

**Notice of Electronic Filing**

The following transaction was received from Brazeal, Clyde Ellis entered on 2/28/2006 at 3:57 PM CST and filed on 2/28/2006

**Case Name:** ASD Specialty Healthcare, Inc. v. Hickes  
**Case Number:** 1:05-cv-592  
**Filer:** Robert G. Hickes, M.D., P.C.  
**Document Number:** 35

**Docket Text:**

*Answer ANSWER to Amended Complaint by Robert G. Hickes, M.D., P.C..(Brazeal, Clyde)*

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP\_dcecfStamp\_ID=1053018227 [Date=2/28/2006] [FileNumber=497203-0]  
[6e241096db66e78f51fe7b32f562bac08cc072b15a65bae0305b4ea50e4741731095  
e8fd18834937bf440cdf2851f0dd7f17e32c99f022fabe0ca284ffd93cb]]

**1:05-cv-592 Notice will be electronically mailed to:**

Clyde Ellis Brazeal , III    ebrazeal@walstonwells.com, tmoody@walstonwells.com

Heath Alan Fite    hfite@burr.com, cfalctmail@burr.com

James Jack Robinson    jrobinson@burr.com

**1:05-cv-592 Notice will be delivered by other means to:**

Robert G. Hickes, M.D., P.C.  
c/o Robert J. Holdsworth, Jr.

Holdsworth & Feeney, LLP  
950 Danby Road  
Suite 210  
Ithaca, NY 14850